

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, MARCH 18, 2009 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2008-May 2009	
		Present	Absent
Catherine Maus, Chair	P	10	0
Rochelle Golub (arr. 6:34)	P	10	0
Mary Graham	P	10	0
Tom Welch, Vice Chair	P	8	2
Maria Freeman (arr. 6:38)	P	8	2
Fred Stresau	P	9	1
Patrick McTigue	P	10	0
Mike Moskowitz	P	6	0
John Morrison	P	1	0

Staff

Greg Brewton, Director of Planning and Zoning
Thomas Lodge, Planner II
Yvonne Redding, Planner II
Michael Ciesielski, Planner II
Randall Robinson, Planner II
Cheryl Felder, Service Clerk
Sharon Miller, Assistant City Attorney
Dennis Girisgen, Public Works
Frank Snedaker, City Architect
Jamie Hart, Supervisor, Marine Facilities
Diana Alarcon, Supervisor, Parking and Fleet Services
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

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	<u>Case Number</u>	<u>Applicant</u>
1.	17-Z-08	Tango Lakes LLC / Imagine Charter Schools
2.	22-R-09	Michael J. Getz / 440 Flagler Village
3.	3-Z-09	Riverbend South LLC / Residential Rezone
4.	35-R-08	Sunrise Harbour Multifamily, Inc.
5.	24-R-09	City of Fort Lauderdale / SE 15 th Street Boat Launch & Marine Complex
6.	36-R-08	Sandra Post / Galt Shoppes Restaurant

7. For the Good of the City

Call to Order

Chair Maus called the meeting to order at 6:32 p.m. Roll was called and all stood for the Pledge of Allegiance.

Chair Maus introduced new Board member John Morrison, who was present for his first meeting.

Director Greg Brewton of the Planning and Zoning Department introduced the members of his Staff that were present, as well as Assistant City Attorney Sharon Miller, who explained the quasi-judicial process used by the Board.

Ms. Golub joined the meeting at this time (6:34 p.m.).

Chair Maus confirmed that Item 1 has been withdrawn from tonight's Agenda. Courtney Crush, representing the Applicant in Item 6, also confirmed that the Applicant has requested the deferral of this Item until the April 15, 2009 Board meeting. In a voice vote, the Board unanimously approved this deferral.

Motion made by Mr. Stresau, seconded by Ms. Golub, to approve the minutes of the February 16, 2009 meeting. In a voice vote, the **motion** carried unanimously.

2. Michael J. Getz / 440 Flagler Village Thomas Lodge 22-R-09

Request: * * *

Rezone from RC-15 to CF-S

Legal description:

A portion of the Northwest ¼ of Section 32, Township 49 south, Range 42 East City of Fort Lauderdale, Broward County, Florida

Address:

1680 NW 31 Avenue

General Location:

East side of NW 31 Avenue between NW 17 Street and NW 16 Street

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Robert Lochrie, representing the Applicant, stated that 440 Flagler is a residential project located in Flagler Village. The site is roughly three acres and covers nearly a full city block. The request before the Board is for a sign package, and specifically for three ground signs.

He described the overall project of 440 Flagler as a 218 residential unit project, currently under construction, representing a \$73 million investment in the City and the CRA.

Ms. Freeman joined the meeting at this time (6:38 p.m.).

The Code allows for four signs, two of which may be ground signs. The Applicant is requesting three ground signs for the project: one at the corner of 4th Avenue and 5th Street; at the corner of 5th Street and 5th Avenue; and one at the southern end of the property.

Mr. Lochrie advised that the Applicant believes these signs are necessary, as for a project of this size, identification is key for potential lessors as well as pedestrians. It is also important that these signs be tastefully done. The sign at the pedestrian entrance on 5th Street is particularly important, as it directs individuals to the office located on 4th Street.

He displayed a graphic of one such sign so it could be seen in its proper dimensions, as well as a closeup.

Mr. Lochrie added that along with the request for a third ground sign, the Applicant is also asking for additional height. Code provides that ground signs can be 5 ft. tall, and they are asking that the signs be allowed to reach 8 ft. in height. He noted that Code allows free-standing signs to be 10 ft. tall.

The area of the signs is less than what is allowed by Code, Mr. Lochrie continued. Each sign face is allowed up to 16 sq. ft., and the proposed signs are only 11 sq. ft., which is 31% smaller. The overall sign area is 53% less than what is allowed under Code.

He noted that the signs are tastefully designed. They are not self-lighted, but will be lit by floodlights. The sign structures are incorporated within the project's security fence and are part of the decorative features displayed on the site.

Thomas Lodge, Planner, stated that the signs will be placed at three of the site's four corners. Pursuant to ULDR Section 47224-C-13-C, ground signs are limited to two in number and 16 sq. ft. in area, 5 ft. in height and set back 5 ft. from the edge of the sidewalk.

Staff confirmed that the site occupies almost an entire city block, and that three signs could be needed to adequately identify the property. They considered the Applicant's request in terms of pedestrian scale and activity.

Ms. Golub noted that it is important that the signs be compatible, and asked if the Board would be setting a precedent if they began permitting signs of this size and

height. She pointed out that there are a number of projects within the City that occupy an entire block, and that while the fencing around the site seemed "taller than normal," the signs did not appear to be out of scale.

Director Brewton stated that applications coming before the Board should be judged by their own merit rather than on the possibility of setting a precedent. He pointed out that there may be issues regarding this specific site plan that might not be present for another site.

Mr. Lochrie recalled that he had come before the Board some time ago with a sign package, and while he had made the point that other locations throughout the City had similarly large signs, the Board had returned the discussion to the specific site before them. He felt this had been a "very legitimate" comment.

Ms. Golub asked if any signs were proposed for the building itself. Mr. Lochrie responded that this was not part of the sign package. He noted that the fence entirely surrounds the residential portion of the property, save the areas where gates opened onto the sidewalk.

Mr. Moskowitz asked why Flagler Village's homeowners' association had not attended this meeting, as the signs in question are in that neighborhood. Mr. Lochrie advised that he had reached out to some of the "directly related" property owners, and the Applicant had communicated with the homeowners' association, although no one had actually attended one of its meetings. There had been no response.

Mr. Moskowitz continued by asking if these signs would be independent of other signs, such as sale signs. Mr. Lochrie described the signs as "building identification," letting pedestrians know where the building was located. Retail spaces in the building would be allowed their own retail signs, he added; they would also be entitled to the name of the retail store at that location.

Mr. Moskowitz cautioned against leasing of signs at inappropriate places in the building, and Mr. Lochrie stated that was understood.

As there were no further questions from the Board at this time, Chair Maus opened the public hearing.

There being no members of the public wishing to speak on this Item, Chair Maus closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Freeman, seconded by Ms. Golub, to approve the application. In a roll call vote, the **motion** carried unanimously.

Request: * * *

Rezone from MHP to RMM-25

Legal Description:

A portion of Parcels B and C, amended Plat of Blocks 4, 5, 6, 7, and 14 of Woodland Park Unit 1, P.B. 30, P. 45 of the Public Records of Broward County, Florida, and a portion of the E ½ of the NW ¼ of the NE ¼ of Section B, Township 50 South, Range 42 East, Broward County, Florida

Address:

2400 West Broward Boulevard

General Location:

Between SW 24 Avenue & SW 25 Avenue,
north of SW 3 Street

Disclosures were made, and any members of the public wishing to speak on this item were sworn in.

Robert Lochrie, representing the Applicant, stated that this is a request to rezone 7.14 acres of land that are currently designated as a mobile home park within the Riverbend project. He noted that the Board had seen "elements of Riverbend" over the past few years and would continue to see these in the future.

The mobile home owners who were previously located on this piece of property have been relocated with the assistance of the property owner over the past few years, Mr. Lochrie continued. He showed a portion of Riverbend North, which is the office park portion of the property; south of Broward is a berm, and landscaping. It is the area behind this landscaping that the Applicant wishes to have rezoned.

The underlying land use for the entire piece of property allows 25 units per acre. Mr. Lochrie pointed out that the Applicant is not asking for additional density or units, but to strip away its "antiquated" zoning district and replace it with RMM-25, which is consistent with the underlying land use designation.

He presented renderings of the property and its zoning districts. Mr. Lochrie referred to another piece of land shown in these renderings, which is not being rezoned at this time, but will come before the Board in another application later on.

The application that was submitted, he noted, had made reference to a number of affordable housing units; however, Mr. Lochrie advised that this was an error on the Applicant's part, and was not part of tonight's request for rezoning.

Randall Robinson, Planner, stated that the site in question is currently vacant land, and the surrounding properties are designated RS-8 along the west border of the parcel. All criteria have been addressed in writing by the Applicant.

Ms. Golub asked if the narrative attached in the Board's information packets was relevant to the request. Mr. Lochrie affirmed that this was the case. Ms. Golub pointed out an error on p. 3 of the narrative, which states that this would be a non-residential development. Mr. Lochrie agreed that this was incorrect, and the area would be residential. He suggested that what was intended in the narrative was that there would be no increase in density in the area. He stated that this error, as well as the one referring to affordable housing, would be corrected before the application reaches the City Commission.

Mr. Moskowitz asked if, under the MHP designation, a number of units per acre were intended for that particular zone. Director Brewton asserted that the underlying zoning for MHP is the same as for RMH-25, which is 25 units per acre.

There being no further questions from the Board at this time, Chair Maus opened the public hearing.

As there were no members of the public wishing to speak on this Item, she closed the public hearing and brought the discussion back to the Board.

Mr. Moskowitz asked if anyone was interested that the areas surrounding this parcel of land were predominantly RS-8, which is a less dense designation. Chair Maus asked if he wished to ask how the Applicant might provide a buffer zone. Mr. Moskowitz explained that his intent was to ask why the Applicant chose RMM-25 when the area was surrounded by RS-8.

Mr. Lochrie noted that the properties to the south and across the street to the east are single-family buildings, while the property before the Board is being developed for commercial and office uses. The intent is to retain the "residential nature" by bordering single-family homes, but to fulfill the underlying land use that has already been designated and applied to the property, multi-family designations. This would serve as a buffer between the single-family homes and the commercial uses.

Ms. Golub noted that the multi-family designation does not denote high-rise buildings, and should remain low-impact.

Mr. Robinson pointed out that RMM-25 and RS-8 border each other often throughout the City, citing the north tier of Victoria Park, as well as Coral Ridge.

Motion made by Ms. Golub, seconded by Ms. Freeman, to approve the application. In a roll call vote, the **motion** carried 8-0 Mr. Stresau abstained. A memorandum of voting conflict is attached to these minutes.

4. Sunrise Harbour Multifamily, Inc.

Yvonne Redding 35-R-08

Request: ** *

**Site Plan Level IV / Flex Allocation and
Parking Reduction**

Legal Description:

Parcels A, B and C of Sunrise Harbour Plat,
PLB 166-41

Address:

1030 Seminole Drive

General Location:

North side of Sunrise Boulevard and East of
Seminole Drive

Disclosures were made, and any members of the public wishing to speak on this item were sworn in.

Stephen Tilbrook, representing the Applicant, stated that Sunrise Harbour is a mixed-use project on the north side of Sunrise Boulevard. It is a 7.73 acre site, zoned B-1. The project was approved by the Board in 1998 and developed from 1998 to 2000. There are currently 352 residential units, 17 hotel units, 7045 sq. ft. of retail space, and 22 boat slips, with 727 parking spaces.

The Applicant is here regarding a site plan amendment to convert the 17 ground floor hotel units from hotel use to residential use. Most of these are one-bedroom units, with a few studio units as well. Mr. Tilbrook asserted that no construction would be involved regarding these units, but only a change of use.

An allocation of 17 additional flex units is associated with the change of use from hotel to residential. Due to the B-1 zoning category, flex units must be allocated for residential use. One tenant in the ground-floor retail space, a bakery, sells and serves food; its use must be converted from retail use to a restaurant use under Code, which is 1814 sq. ft. for the existing tenant.

Due to the conversion of the existing units, a 29-space parking reduction is required, as the project is "built out," leaving no room for additional parking. The new uses also trigger additional parking requirements, even though there will be no new construction.

The hotel conversion is permitted by Code, and is part of the mixed-use project. Mr. Tilbrook showed photographs of the garage and retail fronting, as well as two

residential towers. When the project was originally approved, the 17 ground-floor units for these towers were constructed and approved as hotel units.

Mr. Tilbrook advised that hotel units have presented some security challenges, as hotels are considered "transient use" and do not always mix well in a residential area. It is also difficult to market only 17 hotel rooms. Due to these challenges, the developer hopes to convert these rooms to residential use. He asserted that this will have little impact on the neighborhood, as it will be a less transient and more neighborhood-friendly use.

As the project was originally approved as a mixed-use project, any change of use or alteration is required to come back before the Board.

In addition to the 1814 sq. ft. that the bakery has within the building, they also have two tables on the sidewalk for 120 sq. ft. of outdoor dining, Mr. Tilbrook pointed out.

There is a parking reduction associated with these changes of use, he stated again, noting that the ground floor of the parking garage has over 100 spaces, 41 of which are self-parking spaces specifically designated for retail and restaurant use. The parking required for retail and restaurant use is 41 spaces, so there will be no parking reduction in relation to that component.

The parking reduction before the Board is related to the building's residential component, Mr. Tilbrook explained. Due to the conversion of the 17 units, there will be a 29-space parking reduction. In order to accommodate this reduction, the Applicant engaged Alan Tinter of the IBI Group to study this reduction. The study was done last year during the peak season, on April 1. During that time, of the 727 parking spaces provided, the residential component was "adjusted up" to accommodate 100% occupancy. The highest demand for residential use occurred at 8:00 a.m. on weekdays. At the highest peak time, 392 of the 686 residential spaces were used, resulting in 294 of these spaces being vacant, a 43% vacancy rate.

The City's Staff consultant wanted to find out what the parking demand would be, in the event of 100% occupancy for the residential building and the commercial component. This study resulted in 255 vacant spaces, or 38%, even during peak hours. Considering this use, the Applicant finds a 29-space parking reduction reasonable, Mr. Tilbrook stated.

The parking study was submitted to Staff and reviewed by the DRC, who have approved it. He reiterated that no alterations to the building will be necessary to accommodate this change of use. The only construction the Applicant has been requested to provide is to increase the size of the sidewalk along Sunrise Boulevard, in the public right-of-way. It will be increased from 5 ft. to 7 ft.

The Applicant has met with the Coral Ridge Neighborhood Association and has made a presentation at their Board meeting. They voted unanimously that they had no objection to the project. Minutes of that meeting have been provided to Staff.

Yvonne Redding, Planner, affirmed that the project before the Board is the conversion of 17 hotel units to multi-family residential units, and an additional change of retail space to restaurant space. She confirmed that the plan had been presented to the Coral Ridge Homeowners' Association on February 12, 2009, where it had passed unanimously.

The neighborhood compatibility concern had been addressed when the building was originally constructed, and no exterior modifications have been made to the building, except the addition of the outdoor seating area for the restaurant.

The School Board has issued a statement that the change of use would not have an impact on students in the area, and they are assessing no fees to the Applicant at this time. There is an error on p. 2 of the Staff Report, however, in which the number 737 should appear as 727.

Ms. Golub requested clarification regarding the 120 ft. of outdoor space, which Ms. Redding explained were after the fact. She asked if parking for the residential units was self-parking or valet. Mr. Tilbrook stated that there is both self-parking and 24-hour valet parking.

Ms. Golub asked what the rental lease states with respect to the number of parking spaces allotted to each unit. Jeff Busing, of Zom Residential Services, who manages the property, advised that one parking space is allocated for every one- and two-bedroom unit, and two parking spaces are allocated for every three-bedroom unit. They are allocated spaces but are not assigned, although if a resident pays a reserved parking fee they will receive a preferred parking space, closer to the doors.

Ms. Golub asked if the 100% occupancy aspect of the parking study meant figuring in one or two parking spaces depending upon the number of spaces allocated per unit. Mr. Busing explained that "full occupancy" was not based upon the number of parking spaces per unit, but upon the "actual usage."

Ms. Golub felt that the contractual obligation of the lease meant the resident of a unit could expect to have one or two parking spaces allotted to that unit. Mr. Busing stated again that this was the minimum parking required, and residents could purchase an additional parking space. Ms. Golub asked, however, what the minimum number would be if each resident used the space or spaces included in their lease.

Alan Tinter of the IBI Group stated that if all single spaces were used for the one- and two-bedroom units, and two spaces were used for all the three-bedroom units, 404 out of the 727 parking spaces would be obligated.

Ms. Golub requested an explanation of how the study determined the need for spaces, asking if the boat slips were counted as part of the parking. Ms. Redding explained that the calculation by Code, for the various units, allowed for 1.75 parking spaces for a one-bedroom unit, two spaces for a two-bedroom unit, and 2.1 spaces for a three-bedroom unit. She noted that this may differ from the calculation assigned by the lease.

Mr. Tinter recalled that the mix of development when the building was first constructed allowed hotel rooms to accommodate some of the larger boats docked at the site, so their passengers and/or crew could then rent a room in the hotel. He noted that the use had not worked out so that this was a success.

Ms. Golub felt that parking is "of critical concern" to the City, particularly on the east side, where there is high density and use, but a lack of parking. She wanted to ensure that, by granting this reduction, the Board would not be setting itself up for future difficulty.

It was confirmed that the bakery would not use additional retail space when converting to a restaurant, but would serve food from its existing space.

Ms. Graham referred to Sheet A-1 from the original site plan approval, as well as to the calculation under Code of parking spaces allotted per bedroom. She stated she was unsure how the figures had been "broken out," as the ratio was not delineated on this sheet of the original plan.

She went on to note that there are 252 units, with one space allotted per unit, which she presumed to be the original count.

Director Brewton clarified that the designation of one space per unit was intended for hotels, although Ms. Redding pointed out that there is additional space allowed for live-aboard vessels.

Ms. Graham explained that she was attempting to learn whether the "bare minimum" only had been planned for when the site was first approved in 1998. Director Brewton agreed with this assessment, which Ms. Graham described as "not one extra" space. She continued that the restaurant space would add to this problem, as it requires a higher number of spaces in an area where there has never been an excess of spaces.

She also noted that despite the calculation under Code that one bedroom equals 1.75 spaces, residents of one-bedroom units would only be allotted one space. Mr. Tilbrook pointed out that residents are given a minimum of one space per one- or two-bedroom unit, but are given the option of leasing additional space based upon their need.

Director Brewton explained that 1.75 spaces constitute the requirement under Code; however, the individual leasing agreements allow for only one space to be assigned per unit, except for the three-bedroom units. Mr. Tilbrook added that a one- or two-bedroom unit could lease three to four spaces, if they wished, as 250 or more spaces are "always vacant."

Ms. Graham asked why 250 or more spaces are always vacant. Mr. Tilbrook asserted that within the garage, there are always 294 spaces minimum that are vacant, even during peak use and hours, with roughly 90% occupancy. If this is adjusted up to 100% occupancy, there are always 255 spaces vacant within the garage. Based upon this actual usage, he stated that the conversion of the 17 units would not use up all the vacant spaces.

Ms. Graham asked if the valet agreement referred to on the original site plan approval was still in effect, and asked if the extra spaces are valet-parked areas. Mr. Tilbrook stated that these are either valet or self-parking.

Ms. Graham asked if these spaces are divided equally between valet parking and self-parking. She added that she was wary of the precedent that parking variances might set.

Mr. Tilbrook responded that residents have the option of valet or self-parking, both of which place cars within the same areas of the garage. He noted that there may be a subsection of this area that is reserved exclusively for valet parking, but both are located in the same part of the garage.

Director Brewton suggested that Mr. Tilbrook identify the number of spaces that are valet or non-valet spaces. Ms. Graham noted that she had not found a parking plan in her information packet to help in this distinction.

Director Brewton added that he understood that a valet parking area or lot must remain valet parking "100% of the time." He pointed out that it may be a valet service rather than valet parking, which would mean there is a need to distinguish between these two in this case.

Mr. Tilbrook stated that within the parking garage, there are 106 parking spaces reserved exclusively for valet use. The reason for this exclusion is that they are designed to accommodate valet parking either through tandem or another design

that would not permit them to be used for self parking. All other parking spaces are for self parking.

Mr. Moskowitz asked if the original site plan required 727 spaces, what had generated the additional 29 spots to bring the figure to 756. Mr. Tilbrook explained that the change of the 17 units from hotel to residential, as well as the change of 1814 sq. ft. of retail space to restaurant space, caused this change.

Mr. Moskowitz asked if any other retailers would be affected by the proposed reduction. Mr. Tilbrook responded that the restaurant is "fully within the existing lease area" of the bakery, where it does not infringe upon any other retailers' space; in addition, 41 self-parking spaces on the ground floor are reserved exclusively for this commercial purpose.

Ms. Golub asked if the City Commission had addressed the parking reduction when they approved the plat note change. Ms. Redding confirmed that they had not.

There being no further questions from the Board at this time, Chair Maus opened the public hearing.

As there were no members of the public wishing to speak on this Item, she closed the public hearing and brought the discussion back to the Board.

Mr. Moskowitz wished to go on record stating that the site is "a good idea," noting in particular that it is a very positive mixed-use development that incorporates successful retailers. He added that there is additional parking across the street from the site if it was needed by the public.

He suggested, however, that the Applicant make the parking inside the garage more "retailer-friendly," as he did not know where to park in the garage when he visited this area.

Mr. Tilbrook addressed this recommendation, stating that the Applicant is re-striping the parking on the ground floor of the garage to accommodate additional self-parking.

Ms. Golub informed the Applicant that the Board faces a problem in knowing how many parking variances it could give, and put them in an uncomfortable position regarding when to approve or deny these requests. While she felt the Applicant's explanation had been reasonable, she felt "extraordinarily uncomfortable" with the Board being asked to rule on these applications on a case-by-case basis.

Ms. Graham agreed with Ms. Golub, and advised that when plans are reviewed by Staff, spaces are labeled by their use. She believed that parking reductions

often relied on unpredictable factors, and affirmed that she wished to be consistent in making these decisions rather than arbitrary.

Mr. Stresau felt the Board should hear from Kinley Horne & Associates, the City's traffic consultant. He asked if a representative could confirm that they agreed with the reduction the Applicant is seeking, and suggested that this might provide the answer to any remaining questions Board members might have.

Suzanne Danielsen, representing Kinley Horne, confirmed that they had reviewed the study and site review, and had approved the methodology and results used by the Applicant. Had they not made a site-specific study, she pointed out, the conclusions would not be the same, as their study addresses the fact that the site's residential use operates differently than other residential uses, with different parking needs.

Motion made by Mr. Moskowitz, seconded by Mr. Stresau, to approve Site Plan Level IV with parking reduction. In a roll call vote, the **motion** carried 8-1 (Ms. Graham dissenting).

5. City of Fort Lauderdale / SE 15th Street **Michael Ciesielski 24-R-09**
Boat Launch and Marine Complex

Request: * * *

**Site Plan Level IV / Public Purpose Use /
Waterway Use**

Legal Description:

Lots 29 through 40, Block 2, "Gulf Point," P.B. 53, P. 15, of the Public Records of Broward County, Florida

Address:

1784 SE 15 Street

General Location:

South side of SE 15 Street approximately two blocks east of Cordova Drive

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Frank Snedaker, Chief Architect for the City, stated that the purpose of tonight's hearing is for site plan approval of a development on the water; in addition, due to the nature of the project, there is also an application for public purpose relief for a number of specific items in the Code.

The 15th Street boat ramp was built in the 1960s and has had minimal improvements since that time, other than routine repaving and minor improvements to the ramps. Mr. Snedaker advised that the City is before the

Board primarily due to a court order: in 2003, the City entered into a court-ordered consent decree after being sued for ADA violations at a number of facilities, including the 15th Street boat ramp. Issues included restroom accessibility and parking, among others.

The court-ordered consent decree gave the City a five-year program in which to complete the elements included in the decree. The 15th Street boat ramp was due for compliance by August 2008. As the City studied the project, however, they determined that it would be impossible to improve the existing restrooms, and new ones would need to be constructed. Similarly, the parking lot would require "major redesign" of its entire area to bring its spaces into ADA compliance. The City was given a 12-month extension by the court to complete its efforts toward compliance. There were also differences between the Code in the 1960s, when the boat ramp area was built, and the current Code. Lighting, improved drainage, and more landscaping were among the additions needed to bring the area into ADA compliance and up to Code.

Mr. Snedaker advised that the plan they are bringing before the Board is not fully in compliance. The facility is the busiest boat ramp in Broward County, with quick access to the Intracoastal Waterway and the Port Everglades Inlet. It is primarily used by boaters, although a City park is identified on the property.

Mr. Snedaker showed aerial photographs of the facility.

The City was faced with an extensive project and the additional concern of finding means to pay for it, he continued. They have sought grants from County and State entities which set aside funds specifically for marine purposes. Many of these grants are time-specific, as is the Federal court order. Mr. Snedaker requested, with these time constraints in mind, an "up-or-down" vote on the issue at tonight's meeting.

There are several public and private stakeholders to this facility, he noted. The Marine Police Patrol Headquarters docks its boats at the ramp, and Parking and Fleet Services control the parking spaces, which are not free of charge. The Parks and Recreation Department has a small park on the site as well. As part of the project's improvements, a small picnic area is planned, as well as new ADA-compliant restrooms and an updated fish cleaning station that meets environmental regulations. The Department of Business Enterprises is also involved, as they handle marine facilities and operations. Finally, Public Works is assisting with the drainage, parking, and lighting. Mr. Snedaker noted that the electrical facilities will be undergrounded in this area; while it is a major cost, he asserted that it is necessary for safety reasons.

Other public agencies outside the City are involved, as this ramp is the command center for Broward County Marine Operations during emergency events. The

marine industry in general is also a stakeholder, as is the Harbordale Civic Association, a nearby neighborhood association. There are also three condominium units that closely abut the property, containing approximately 300 units.

Mr. Snedaker advised that the Marine Advisory Board had approved the project. City Staff have also brought the project before the Harbordale Civic Association, although that body has not yet given their approval. They have a letter of recommendation from one of the nearby condominium associations as well.

The project will install an ADA-compliant boat ramp, as well as a floating dock, which was not necessitated by the original court order but will be provided in addition to the order's requirements. An ADA-accessible park with shelter, routes throughout the park, modernized and EPA-compliant fish-cleaning station, picnic tables, restrooms, sidewalks, landscaping, additional parking for cars, boats and trailers, undergrounded electrical service, improved drainage, lighting, improved police docks, fencing around the Marine Police area, a privacy wall for adjacent condominium owners, and a dumpster enclosure.

Mr. Snedaker felt this showed the level of work being done toward improving this site, although these changes do not bring the site into 100% ULDR compliance. The City falls short in the number of required landscaped trees, as they are required to have 83 but are proposing 64, and currently have only 31. He pointed out that this is a space consideration, as the area is very small. Of the 31 existing trees, three will be removed, 14 will be relocated, and the rest will remain "as is." The landscaped area will be increased from 17,800 sq. ft. to 21,700 sq. ft.

The City is seeking relief from the number of required trees, as well as the internal landscaping on islands inside the parking lot and the requirement for lighting. There is currently no lighting at this facility, but due to State requirements, lighting must be designed to LEED standards, and lighting poles are only possible around the location's perimeter, as light poles in the parking lot would hamper boat and vehicle access.

Michael Ciesielski, Planner, stated that the application provided to the Board includes narratives on adequacy, neighborhood compatibility, and waterway use, as well as narratives on how the applicant feels they meet the criteria for public purpose use.

Staff conditions to this application are as follows:

1. Applicant will pay manatee impact fees to Broward County Environmental Protection;
2. The ADA dock will require a waiver under section 47.19.3;

3. Per 47.19.5 1-F, the wall on the west side of the property must be set back at least five feet from the waterway and at least three feet from the street.

As this is a public purpose use, Mr. Ciesielski noted, if the Board determines that the proposed development meets its approval, the recommendation will be forwarded to the City Commission for further consideration. If it does not meet with the Board's approval, the procedure for appeal to the City Commission remains an option.

Mr. Ciesielski added that the relief requested is included in the PZ staff memo in the Board members' packets, and additionally he wanted to state for the record that the sections to which he refers in his memo are the specific sections in which the Applicant is seeking relief.

Ms. Golub asked what the hours will be that the park is open, considering that lighting is an issue. Diana Alarcon, representing Parking and Fleet Services, stated that hours of operation will be 6:00 a.m.-9:00 p.m.

There being no further questions from the Board at this time, Chair Maus opened the public hearing.

Robert Romano, representing Cromwell East, which is located directly across the street from the boat ramp and park, stated that he had discussed the issue with many of the condominium's residents and board members. They were "totally in favor" of the project, and many people had attended all four public meetings on the project. He added that many of the City Staff involved in the project had been "very helpful."

He provided a list of remaining concerns:

- Water in the facility being shut off at 9:00 p.m., so large boats could not pull up to the dock late at night for washing, as currently happens;
- The park closing at 9:00 p.m. and being patrolled by police, with the exception of boaters;
- Bathroom facility closing at 9:00 p.m.;
- An entrance on the west end and coming out on the east end, which he felt would be useful for the boats;
- The wall on the west end extending all the way to the water, or, as the wall is required by Code to be set back 5 ft. from the water, a chain-link fence reaching to the water.

If these suggestions are met, Mr. Romano felt the occupants of Cromwell East would be "100% in favor." He felt the major concern was that the park not provide an area "for undesirables to collect." He added that he was pleased that LED lighting will be used.

He thanked the City Staff for their presentations to the public and at the homeowners' association.

Marilyn Mammano, President of the Harbordale Civic Association, stated that on the March 4, 2009 meeting of this Association, City representatives presented a proposal to rehabilitate the 15th Street boat ramp. She asserted that this was the first opportunity many members had had to see this proposal, and as several questions were raised, a resolution was made "to hold support for this worthwhile project until questions and concerns were answered."

The Harbordale Civic Association had arranged a special meeting on March 16, 2009, to allow the City to present the project again and respond to questions, a list of which were forwarded to City Staff on March 13. They were made available to the Board, along with the resolution.

Ms. Mammano stated that issues of the appearance, operation, and maintenance of the facility have a great deal of impact on the community, which, she felt, was brought into the process "at a very late date." The Association hoped to resolve these issues, and asked that the City bring an "improved project" before their membership again at an April 1, 2009 meeting.

She summarized the questions for the City as falling into three areas, which were covered in more depth in the provided handout:

1. Current and future operation and maintenance of the facility;
2. Landscape and site plan concerns;
3. Overall project concerns.

She advised that other residents with specific questions and recommendations regarding the project were also in attendance at tonight's meeting, and added that the Harbordale Civic Association represents a broader range of the area's residents than only those who lived in the immediate area of the project.

She added that the facility is located at the end of a dead-end street at the end of a long stretch of homes, which was one of the problems many people had with the project. She asserted, however, that the Association was not against or attempting to shut down the boat ramp, but wished to make the project a better one.

She added that the Board has more options than approval or denial, such as holding the issue over until the April 15, 2009 meeting. This would give the Harbordale Civic Association time to hold another meeting between its general membership and City Staff so they could come to a resolution of their issues and reappear before the Board, possibly in support of the project.

She also suggested that the Board could approve the project with conditions related to the questions the Association and others had raised, including closing the facility at night and ensuring that it would not be used for oversized boats and/or trailers.

She recommended again that the Board postpone approval until a later meeting or approve the project with conditions.

Ms. Graham noted that the dates to which Ms. Mammano had ascribed the Association's meetings with City Staff seemed very recent, and asked if members weren't included in a posted neighborhood review due to their proximity. Director Brewton stated that that is not a requirement for public purpose activity.

Donna Mergonhagen, private citizen, stated that the Harbordale Civic Association had sought assistance from the City regarding traffic problems in the residential areas of the neighborhood. They were told that traffic abatement in some areas was "not possible." A traffic light had been moved into one residential and school area of the neighborhood that brought an additional one million vehicle trips through that area, causing commercial vehicles to pass residential homes, a lessening of pedestrian uses of the road, and prohibiting the safe use of bicycles.

She continued that the City has recently installed a sign on SE 15th Street that directs boaters through residential areas, past schools and homes, to the ramp. She felt commercial signage was inappropriate in a residential area, and that boat traffic belonged on 17th Street.

Furthermore, the boaters directed through the area were not the single families for whom the ramp had been designed in the 1960s, Ms. Mergonhagen asserted. They were instead extremely large boats, towed by extremely large vehicles, and often blocked driveways and left trash in the area.

Speed deterrents had been installed along 15th Street, she noted, but they have since been altered and partially removed due to lobbying efforts she ascribed to "non-residents."

Ms. Mergonhagen suggested that the speed bumps be installed over a larger area, and that these improvements take place prior to any issuance of variances or the beginning of the project.

Karen Anderson, private citizen, explained that the property's park is separate from its parking lot; while the park may close, the parking lot is open 24 hours, so people coming and going on boats may do so at any time.

Her specific concern, she stated, is the loss of the swale along 15th Street, as there is very limited permeable swale in that area to begin with. It will be replaced by 11 asphalt parking spaces.

The variance for the lack of landscaping to Code is based on the availability of grants, according to the City, Ms. Anderson noted. The only current grant available is from the Broward Inland Boating Association, for \$269,000, which must be matched by the City. Her concern is that the difficulties in budgeting the project might leave it as little more than another asphalt parking lot.

She continued that while parking allows for a vehicle with a boat, there are not spaces simply for vehicles alone, which meant a group of several people going boating would have nowhere to park additional cars. This was the incentive to add 16 parking spaces, five of which were inside the ramp, including ADA-compliant spaces as well as the spaces on the street.

While she supports the improvements to the Marine Police dock and the ADA-compliant upgrades, Ms. Anderson did not believe so much green space should be sacrificed for more parking spaces.

Frank Herhold, Executive Director of the Marine Industries Association of South Florida, advised that this group functions as "advocates for boating." He added that he was surprised to hear of late-night activities by boaters, as his office did not regularly receive complaints about the 15th Street ramp.

He pointed out that every small boat owner may not be able to afford a waterfront home, but can often afford a trailer. Two-thirds of the boats in Broward County are 26 ft. or less in length and are trailable. He felt the design of the ramps were innovative and could be "the talk of the industry," and would reflect well upon the City as the yachting capital of the world. It is also an environmentally responsible project.

He encouraged the Board to take action at tonight's meeting in consideration of the time constraints the City faces for funding.

There being no further members of the public wishing to speak on this Item, Chair Maus closed the public meeting and brought the discussion back to the Board.

Chair Maus asked if operational issues were part of the application. Ms. Alarcon responded that these are not part of the request the City has turned in, and they are working to rectify these issues.

Chair Maus asked if this meant even if the Board approved the City's request, the residents' concerns regarding operations would not be satisfied as part of the

application. Ms. Alarcon disagreed, stating that they are planning to meet with the Harbordale Civic Association again at their April 1, 2009 meeting to address operational issues. She noted that the Parks and Recreation Department had not been aware that trash was an issue; they have already begun daily pickups to eliminate this problem, and they plan to have the Dumpster emptied more often as well. Signage has been ordered for posting park hours.

As traffic calming measures were not part of the application, Ms. Alarcon could not comment on this concern. She explained that many of these issues are only recently coming to the City's attention, and Staff is looking into ways to alleviate them. Chair Maus also noted that traffic calming measures would not reasonably be part of an application of this nature, which moved through Planning and Zoning to the City Commission.

Chair Maus also asked if there are limitations on the size of the boats allowed to use the 15th Street facility. Ms. Alarcon responded that there are no such restrictions at the moment, as that is an operational issue the Marine Facilities would need to address as a subsidiary of the Department of Business Enterprises.

Ms. Graham noted that the ADA court case is from 2003, and expressed concern that the project seemed "so rushed." She asked if there were applicable penalties for these issues not having been addressed "until the last minute."

She felt the project was "too much" of an increase in density for her to support, and noted that she agreed with the concerns about parallel parking on the street and the elimination of the swale. The eight secure parking spaces presented a concern as well, as she could not discern how a vehicle could be backed out of the spaces.

Chair Maus asked if Ms. Graham felt a deferral would be appropriate. Ms. Graham stated she did not feel she should suggest what the rest of the Board should do regarding this decision.

Motion made by Ms. Freeman to defer the application until the April 15, 2009.

Mr. Moskowitz felt it was important for the Board members to state their opinions on the project, especially in light of the Mayor's support for the marine industry. He felt the Applicant wished to beautify the boat ramp and make it more effective, and expressed confidence that the City will work with the residents to appease their concerns. He affirmed his support of the project.

Assistant City Attorney Miller pointed out that Staff is operating on "a very critical time deadline" that she felt should be explained more clearly to the Board. Ms. Alarcon elaborated on this, advising that the deadline set by the consent decree

mandates that construction must be started no later than August 1, 2009. As a majority of the project is funded through grants, there are also grant deadlines to consider.

Ms. Golub felt, however, that the Board had heard conflicting information from the community regarding grants, and that the Board should not be placed in a situation that meant it had to approve a project so quickly.

Jamie Hart, Supervisor of Marine Facilities, explained that the City has had to apply for \$1.6 million in grants, which may not be available if the project is delayed any longer. He pointed out that April 1, 2009, is the deadline for two such grants, one from a Florida Inland Navigation District and another from the Florida Boating Improvement Fund.

He noted that the City had already received \$300,000 in grant funding toward construction costs from the Broward County Boating Improvement Program, and another \$120,000 toward design costs. If the project moves forward with Phase 2, it could be worth an additional \$850,000 to complete the project. Mr. Hart asserted that the City will be in "serious jeopardy" of losing this funding toward completing the project if further delays ensue.

He agreed that the homeowners' concerns are "excellent" and the City is willing to address all of them. He felt the City is ready to not only address these concerns, but to make significant improvements to the facility in terms of parking, drainage, ramp, landscaping, and other issues, and pointed out again that the facility is "way out of Code." In order to bring it up to Code, as well as address the problems of insufficient lighting and other security concerns, Mr. Hart stated that the City must invest these funds into improving the facility.

Currently four different Departments are paying for the facility, and the City has the opportunity to reorganize it solely under Business Enterprises. At that time, they can start to provide necessary funding, provided the budget is approved by the City Commission, to make needed changes, Mr. Hart explained.

Chair Maus pointed out that should the Board approve the project tonight, with all concerns on the record, the project would still have to appear before the City Commission, which would be, at minimum, another 30 days. She asked if City Staff would use this time to meet with neighborhood residents to address their concerns. Ms. Alarcon agreed, adding that Staff already plans to attend the April 1 meeting of the Harbordale Civic Association.

Chair Maus asserted that in this case, she would like to go forward rather than defer, as there is a "dire need" on both sides for resolution.

Ms. Golub asked if the application could be approved with the condition that the City address the residents' concerns. She also asked if this approval was all that was necessary in order to apply for the appropriate grants.

Assistant City Attorney Miller pointed out that the grant application due by April 1 would be conditional upon the City Commission's approval of public purpose use. She was not aware of the specific requirements for the grant.

Mr. Hart clarified that the deadline in question is for the application, not for the City Commission's authorization to apply. The City may apply before they receive authorization; however, they ultimately have to provide a resolution from the City Commission.

Ms. Alarcon reminded the Board that beginning work on the project by the consent decree's extension deadline is another important consideration for the City.

Ms. Golub felt the project's plan would not be approved if it was submitted to the Board. Chair Maus noted, however, that the City Commission may alter the plan.

Ms. Graham seconded Ms. Freeman's **motion** to defer the application until the April 15, 2009 meeting.

Ms. Freeman stated that she would support the project, but there were a number of valid concerns and "unanswered questions" that community residents had raised.

Chair Maus reaffirmed that she would like to move forward, stating again that the City Commission can address any remaining concerns about the project.

Ms. Freeman amended her **motion** to move for approval, with the condition that neighborhood concerns are addressed, along with Staff recommendations. Ms. Graham withdrew her second of the **motion**.

Assistant City Attorney clarified that this would be a withdrawal of the original motion to defer and a new motion altogether. Ms. Freeman agreed to withdraw her original motion to defer.

Mr. Stresau noted that a plan must be submitted with any application for a State grant, and was unsure that, after meeting homeowners' and Board conditions, the City would have such a plan by April 1.

Mr. Hart explained that a "conceptual plan," and not an actual one, is required for grant application. It may be improved upon after submission of the application.

The key restriction, he added, is that the plan may not cost more, after alterations, than it previously did, although it is allowed to cost less.

Ms. Graham asserted that the Board is setting "a dangerous precedent," and added that the residents' questions were the least of her concerns regarding approval of the plan as submitted. She cited storm water runoff, circulation within the site, and density of use as examples.

She continued that the ADA consent decree had been issued in 2003, but had not been addressed by the City until six years after this decision, which was another concern.

Mr. McTigue seconded Ms. Freeman's **motion** to approve the application, with Staff conditions as well as the Board's condition that the City address residents' concerns.

Ms. Golub offered an amendment directing Staff to specifically address the Harbordale Civic Association's written concerns, dated March 18, 2009. Ms. Freeman and Mr. McTigue agreed to accept this amendment.

Ms. Alarcon distributed a letter of recommendation from the Carvel Condominiums, which are also close to the project, as well as a listing of the public meetings held to discuss the project.

In a roll call vote, the **motion** carried 7-2, Ms. Graham and Vice Chair Welch dissenting.

7. For the Good of the City

Mr. Stresau recalled a situation brought before the Board in 1976, involving a parking garage, in which the City came before the Board and "demanded" approval of their application to meet the deadline for a bond issue. The parking garage in question had been approved with the condition that its architect meet Staff's requirements. He felt this was similar to the last item brought before the Board, and added that he was appalled by some of the comments he had heard during that discussion.

Mr. Stresau went on to state that he resented the position the Board had been put in with regard to Item 5, citing the on-street parking, circulation, and landscape calculations, among other concerns. He referred to a photograph of a truck, nearly 65 ft. in length, that had "completely blocked off" the parking lot, and did not feel this showed sufficient management on the City's part. He was also unsure of how the Board could adequately address these concerns with the City Commission unless they were included specifically in the minutes of tonight's meeting.

He felt if the concerns stated by residents, Staff, and the Board could not be alleviated, the site should be shut down, as it was no longer regularly used by the people of the City. He also noted that the ramp was in operation "for the convenience of the County," and felt the County should assist in its improvement, through grants or other means.

Director Brewton stated that while minutes are available for the City Commission's review, there were a great many other Boards who submitted their minutes to the City Commission as well.

In order to ensure that the City Commission "receive[s] the specific message that you want to send," Director Brewton requested that Item 7, For the Good of the City, be highlighted as an "item of concern" that the Board would like the City Commission to review.

Mr. Stresau stated that it was his understanding that the City Commission asks each Board to present an outlined form identifying items, such as For the Good of the City, that were of particular importance. Director Brewton recommended including Item 7 in this manner, if it was the consensus of the Board that this is the appropriate process by which to bring the Item to the City Commission's attention.

Chair Maus asked the Board if they were in agreement that their concerns and direction be sent to the City Commission under Item 7, For the Good of the City.

Ms. Golub advised that Chair Maus has "spearheaded" this issue for years, and that "more elaborate" means of bringing the Board's concerns before the City Commission had not been as effective. She felt highlighting an item of concern was "as good as a bullet point" for the City Commission's review.

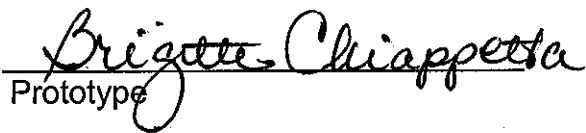
In a voice vote, the Board unanimously approved Chair Maus' suggestion.

The Board sent its congratulations to the new Mayor and City Commission.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:51 p.m.



Chair



Prototype

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME STRESAU, FREDERIC E.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE PLANNING & ZONING BOARD	
MAILING ADDRESS 4367 N. FEDERAL HIGHWAY SUITE 102		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY FT. LAUDERDALE, FL.	COUNTY BROWARD	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 03-18-09		NAME OF POLITICAL SUBDIVISION: FT. LAUDERDALE	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

CITY CLERK
2009 MAR 20 PM 5

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, FREDERIC E. STRESAU, hereby disclose that on MARCH 19, 20 09.

(a) A measure came or will come before my agency which (check one)

- ☐ Inured to my special private gain or loss;
- ☐ Inured to the special gain or loss of my business associate, _____;
- ☐ Inured to the special gain or loss of my relative, _____;
- ☒ Inured to the special gain or loss of STRESAU SMITH & STRESAU, PA, by whom I am retained; or
- ☐ Inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

THE APPLICANT ON APPEAL # 3-2-09
RIVERBEND SOUTH LLC IS A CURRENT
CLIENT OF MY LANDSCAPE ARCHITECTURAL FIRM.

03-19-09

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.